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DATE: February 13, 2001

TO: Garnette D. Draper, Examiner  
Patent and Trademark Office

FAX #: 703/308-0294

FROM: Robert Winter

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There are a total of **6** pages being transmitted. If all of the pages are not received, please contact us. Thank you.

### COMMENTS:

Applicant: William J. Boyle  
Serial No. 09/211,297  
Our Docket No. A-451F

Trial Section Merits Panel  
BOX INTERFERENCE  
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## Exhibit A

Paper No. 39

### UNITED STATES PATENT AND TRADEMARK OFFICE

#### BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

WILLIAM J. BOYLE  
(5,843,678 and 08/880,855),

Junior Party,

v.

DANIEL M. GORMAN  
and JEANINE D. MATTSO  
(08/989,362),

Senior Party.

Interference No. 104,336

MAILED

JUN 28 2000

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Before SCHAFER, LEE, and TORCZON, Administrative Patent Judges.  
TORCZON, Administrative Patent Judge.

#### JUDGMENT

(PURSUANT TO 37 CFR § 1.662)

#### INTRODUCTION

Junior party Boyle requests entry of adverse judgment against itself by conceding priority for both counts in this interference (Paper No. 38). The request is granted.

#### ORDER

Upon consideration of the record of this interference, it is-

35 U.S.C. § 135(c) Notice: Failure to file a copy of any agreement regarding the termination of this proceeding may render the agreement and any resulting patents unenforceable. See section 135(c) and 37 CFR § 1.661 for more details.

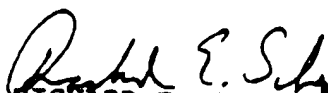
ORDERED that judgment on priority as to Count I is awarded against junior party Boyle;

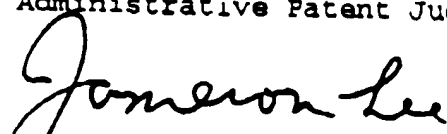
FURTHER ORDERED that junior party Boyle is not entitled to a patent containing claims 1-15 of Boyle's 5,843,678 patent, which correspond to count I;

FURTHER ORDERED that junior party Boyle is not entitled to a patent containing claims 1, 2, 4-7, 9-15, and 37 of Boyle's 08/880,855 application, which correspond to count II;

FURTHER ORDERED that, based on the record before us, senior party Gorman is entitled to a patent containing claims 1-6, 11-16, and 21-46 of Gorman's 08/989,362 application;

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative record of Boyle's 5,843,678 patent, Boyle's 08/880,855 application, and Gorman's 08/989,362 application.

  
RICHARD E. SCHAFER  
Administrative Patent Judge

  
JAMESON LEE  
Administrative Patent Judge

  
RICHARD TORCZON  
Administrative Patent Judge

BOARD OF  
PATENT  
APPEALS AND  
INTERFERENCES

Interference No. 104,336  
Boyle v. Gorman

Paper No. 39  
Page 3

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